

Town of Milton  
Planning and Zoning Commission Meeting  
Milton Library, 121 Union Street  
Tuesday, August 17, 2010  
7:00 p.m.

1. Don Mazzeo: Called the meeting to order at 7:01p.m.
2. Roll call of members:

Gene Steele	Present
Virginia Weeks	Present
Al Perkins	Present
Joanne Mattioni	Present
Lynn Ekelund	Present
Don Mazzeo	Present
3. Additions/Correction to Agenda  
Don Mazzeo: Are there any additions or corrections to the agenda?
4. Approval of the Agenda  
Don Mazzeo: Seeing none we will accept the agenda, as published.  
Al Perkins: Does someone need to make a motion? I make a motion that we accept the agenda as published.  
Lynn Ekelund: Second.  
Don Mazzeo: All in favor, aye. Opposed. So moved.
5. Approval of the Minutes – May 18, 2010  
Gene Steele: I make a motion that we approve the minutes of May 18, 2010.  
Virginia Weeks: I have some corrections. In here they quote Dick Steele; it should be either Gene Steele or Dick Greig. I'm not sure which. But throughout they say Dick Steele and it should be Dick Greig. And on Page 9, in the first large paragraph my speaking, they said "the member of each of the communities"; and actually it should be committees. That's all.  
Don Mazzeo: Any other corrections, additions or deletions? I need a motion to accept.  
Al Perkins: I would like to make a motion to accept the minutes of the May 18, 2010 meeting, as amended and changed.  
Lynn Ekelund: Second.  
Don Mazzeo: All in favor, aye. Opposed. So moved.
6. Opening Comments by New Chairman  
Don Mazzeo: For those of you who do not know me, which is probably every one of you, my name is Don Mazzeo and I was just recently given the opportunity to become the Chairperson of this particular committee; and, as such, I would like to make just a few opening statements. We have a problem with our microphones. I would like to welcome all of you, the public, our professionals from the Town,

our consultants to the Town and of course, all of our membership here. I would like to remind everyone that the purpose of this Commission is to assist in developing and administering the Comprehensive Plan; to interpret the zoning maps; to review conditional uses, site plans, annexations and the sub-division of land. We are a recommending authority and we present those recommendations to the Mayor and Council and to you, the good people of Milton. As Chairman, I have but one vote, just like everybody else on the commission and any statements, comments or input that I have, should not be construed as the voice this commission. I'm here simply as the facilitator of the meeting, ensuring that all parties are recognized and heard and to maintain an orderly exchange of views and information. Meetings will be kept as informal as practical and I will utilize Robert's Rules of Order to maintain a businesslike atmosphere. Should you desire to address the commission, when appropriate; please wait to be recognized and then, for the record, clearly and very loudly, state your name and address. And I say that loudly because I have a tendency of not being able to hear; ask my wife. Input from the Town consultants and the professionals is expected and often, required, during these meetings. This will ensure proper adherence to the Town Council, the Town Charter and to any legal, engineering and planning issues that may arise. I, and the members, recognize the value of these experts and wish to avail ourselves of the wealth of their experience and knowledge. Each member receives the meeting information packet, at least seven days prior to these meetings, and, as such, I do not expect any member to come unprepared to this meeting. I will not take a time out for the members to review the packet of information. This Commission should not be performing engineering at this table. That's the responsibility of the Town Officials and the consultants that we have hired for that purpose. But for clarity and concerns regarding engineering, we will address them at this table. When Final Site Plan Reviews are brought before this commission, it is only after a thorough examination by the Commission during the preliminary review; and after review and input; by the professionals sitting at the table to your right. Recommendations from the professionals should, under most circumstances, be sufficient for an action by this commission. Introduction of a new or any added information or concerns at a final hearing, is not likely to be appropriate. These issues should have been addressed at the preliminary. Finally, as a courtesy to everyone who is here, at this meeting and all meetings, I ask that you turn off your telephones, your buzzers, your beepers, and any other electronic device; just as a common courtesy to everyone who is sitting here. If you have an emergency, certainly, take a jump off the table out of the chairs and take care of your business. I thank you all for your patience and understanding for these opening statements.

7. Business

a. **Final Subdivision Approval**

The applicant, Chestnut Properties, is requesting final subdivision approval for Phase 3A of Cannery Village further identified by Sussex County Tax Map and Parcel Number: 2-35-20.00-53.00, 48.00 & 43.00

Don Mazzeo: We now will begin our current business. Do we have representation from Chestnut here this evening?

Mike Kobin: Good evening. I'm with GMB. We are the engineers from Salisbury, MD.

Don Mazzeo: I would now like Robin, if you would, go through your letters and commentary regarding this matter. It appears that we do have, from CABA Associates, Office of the State Fire Marshall, Sussex Conservation District, and DelDOT comments regarding Cannery Village, Phase 3A, as it has been presented to us. There are several comments that have been highlighted on my documents, because I did that highlighting, and I would like them to be gone over with Bob Kerr, if you would, representing CABA Associates.

Bob Kerr: Good evening. I'm with CABA Associates. Since several of you haven't been involved with the entire process, I thought maybe I would start and back-up a little bit, into the project. Cannery Village came before Planning and Zoning on a date that I forgot to write down, early 20...

Virginia Weeks: 2004; April of 2004.

Bob Kerr: Well that was for this preliminary; but before that they got their LPD Approval of the entire parcel, some 538 units shown on the property; they proceeded with their Phase 1; Phase 2A, 2B. During the construction drawing portion of Phase 2A and 2B, a preliminary approval was requested for 3A, which is the item here this evening. Preliminary approval was given by this body on April 20, 2004. At that time, or thereabouts at the same time, there was a Phases 3B and Phase 4. Phase 3B was withdrawn by the applicant; there were enough questions during the preliminary, that they just chose to withdraw that and there's a portion still on that side of the road, up in the corner, that there have been no formal plans submitted on that part. Phase 4 was also given a preliminary approval. They started with the construction drawings; there was another party who wished to purchase Phase 4, so that slowed the process down a little bit, while that was being negotiated; but during that time we looked at two sets of construction drawings; provided comments; and then the third set just came in this summer. We've reviewed that. There are still a couple of issues that I will go over with you; but essentially we're at the point where it has come back to this body for your recommendation to Mayor and Council. In the final review, all the conditions have been met within the subdivision proper, if I may; within the boundaries of the subdivision. There are still a couple of outstanding issues with DelDOT and it's because when the construction drawings for what happens on Front Street and Atlantic Street were submitted to DelDOT, it was with the intent that both Phases 3A and 4 would be constructed at the same time. So one of the problems we have, is there are a couple of catch basins within the State Highway, that go into Phase 4, that you're not approving; so there's no place for that drainage to go. That still needs to be worked out. DelDOT is at the point where they are acceptable to

allowing Phase 3A to be recorded; knowing that before construction proceeds, that the phasing has to be worked out; exactly what is going to be constructed within the DeIDOT right of way. There are a couple of other issues in that same area; the curbing within the state right of way, the want to have a 4" curb, where the town standard is an 8" curb; so we've kind of gone back and forth with DeIDOT on that, on some other projects and it usually gets worked out in that the Town sends a letter requesting it, and it just hasn't gone through that process on this project. So really, that's the area; the construction drawings. There's also, within the Phase 3A, there's a propane storage area. This was submitted as a separate plan when they did the temporary propane; so this approval, if you move forward, I would request that the motion specifically exclude the propane storage area; so that that approval comes back before you as a separate item. Also, the entrance sign is shown physically where it will be located, but there are no details; and again, this is how it was done in Phase 1 and Phase 2A; that they showed the sign, but then they came in with details of how the sign would look; as a separate submission when they get ready to make the sign. Again, I can answer any questions you have, but other than that, I believe they have met the conditions required for your recommendation to Mayor and Council.

Don Mazzeo: I will ask the question of our folks at the table to my left. This preliminary approval occurred six years ago. Now we're looking at a potential final approval, six years later. Is there not a one year time lapse limitation for the preliminary and final approval? 220:73.

Debbie Pfiel: That's site plan, not subdivision. Correct? We're in the subdivision code?

Bob Kerr: Yes, this would fall under subdivision.

Debbie Pfiel: Section 188.

Bob Kerr: I don't believe there is and I'll let Seth take a look. I'll fill a little time while he's searching. One of the questions that Robin and I had during this, was this is the first subdivision in the town that is an LPD; and that portion of the ordinance was passed after the subdivision ordinance and so it got a Preliminary Master Plan Approval for the entire site; and then you go into the Preliminary Subdivision Approval and the question was, how long can it go forward? They were progressing through the construction plans; they've dealt with all the state agencies; there was a lot of going back and forth because of the potential sale of Phase 4, that would have changed the number of units in Phase 3A; because it would have been moving some units from one phase to another phase. That's really what has delayed that. I believe the Planning and Zoning Commission was aware of those changes during the process. There was not a formal request to extend it, but we all knew what the delays were and why they were caused.

Seth Thompson: Mr. Chairman, I'm looking at Section 188-31 and its subsection H and it states "The approval for the preliminary site plan subdivision shall expire within one year after the date of the approval by

the Planning and Zoning Commission. The Planning and Zoning Commission may grant an extension for a period of up to one year, if the applicant shows just cause for the delay.” Right below that, in subsection I, it discusses, and I’ll quote “If the Planning and Zoning Commission disapproves the preliminary major subdivision site plan application, a written notice shall be returned to the applicant within fifteen working days stating the basis for such disapproval; reasons for disapproval shall be remedied prior to any resubmission to the Commission.” Reading those two sections together, there’s at least an argument that notice should have been given as to the disapproval; even if it is based on the language that it says “it shall expire within one year.” I wasn’t Solicitor at the time, so I don’t really know if that occurred; I suspect it did not. There’s also some question in terms of the date of the approval by the Planning and Zoning Commissioner. Technically, as you said in your opening, you’re a recommending body. I think that really comes down to Town Council then approving; so there could be some, I suppose, as with most Codes, there’s room for improvement there as to when the clock starts running and exactly what needs to happen before the clock runs out.

Don Mazzeo: Thank you. Do we have questions from members; comments from members?

Al Perkins: Yes I have one. Bob, have there been any changes in the Plan from what was reviewed in the preliminary, as far as plot layout, number of units and so forth?

Bob Kerr: The layout is essentially the same; the details that were provided during the construction phase would be the only thing that has changed; location of signs; defining exactly where sidewalks are. They did receive a waiver from Mayor and Council that on the northwest side of Briarwood Drive, sidewalks are not required and Mayor and Council gave that approval at their February, 2008 meeting. It came before Council both in January of 2008 and then again, in February of 2008.

Al Perkins: On that subject, just a follow up question on that point. On the Mayor and Council giving approval about the sidewalks, in 2008; I don’t recall if that issue came before the Planning and Zoning Committee before it went to the Council, on the sidewalks. Does anybody recall that?

Bob Kerr: If my memory serves me, it was determined that you had no authority to waive the requirement for sidewalks; only Mayor and Council could do that; so it went directly to Mayor and Council; and I’m looking at Mr. Kobin to see if his recollection is maybe the same?

Mike Kobin: Yes, I believe that’s correct.

Virginia Weeks: I would like to say I went in and reviewed the minutes and that’s true. John Brady ruled that it did not have to come back before Planning and Zoning; that it could go directly to Council.

Al Perkins: Okay, thank you. I just wanted that clarification.

Seth Thompson: If I could chime in. It appears that Mr. Brady probably considered it a significant change that would be at the discretion of Planning and Zoning Commission; so perhaps they elected not to use their

discretion at that time and then it just went directly to Council. Thank you.

Don Mazzeo: So to the best of your knowledge, then Bob; we have in front of us; everything that was addressed at preliminary; on this set of plans; and other than the items that you have identified in your letter to Robin that you felt has been completed and has been posted on those plans appropriately?

Bob Kerr: Yes, Sir.

Virginia Weeks: I asked Robin for, and received, a copy of the minutes of the April, 2004 meeting. "The 50' right of way connecting properties along Avalon Reach and Briarwood Drive intersection in the property, to the south creating a four-way intersection". Is that there Bob?

Bob Kerr: If you would repeat the street names, please.

Virginia Weeks: Its Briarwood Drive and Avalon Reach. I think it's on the second page. No it must be on the first page.

Bob Kerr: It's on page two of the Record Plat.

Virginia Weeks: Right.

Bob Kerr: They have made an intersection with an island that, in my opinion, does what we were discussing that evening at the meeting. There was not a defined way that you would go through that intersection and it is now defined by the use of an island to take care of that.

Virginia Weeks: Okay. The fire lane emergency egress, is that then created along the new between Avalon Reach and Asbury Alley?

Bob Kerr: Yes.

Virginia Weeks: Okay. Lot 307 needs a trash corral. That's not there and I was wondering if anybody knows why Lot 307 needs a trash corral?

Bob Kerr: At the end of each alley there is some place to keep the trash cans, so that the trash truck doesn't have to go all the way down; and...

Virginia Weeks: Is that on the plan?

Bob Kerr: I believe it is; I would have to verify by unrolling the set that Robin has; unless Mike can verify.

Mike Kobin: No.

Bob Kerr: No.

Virginia Weeks: Is that set we have not the official set, Robin?

Robin Davis: This is the construction drawings. What you have is the record plan.

Bob Kerr: The record plan consists of what gets recorded in Sussex County; where these are the construction drawings that are approximately another 80 sheets of the details of construction; and that's where most of these items appear, is on the construction drawings; not on the record drawing.

Virginia Weeks: Okay. The next one was the need to show a connection of Avalon Reach and Draper Boulevard. I don't find a Draper Boulevard; has it been renamed?

Bob Kerr: Yes, it's now Village Center Boulevard.

Virginia Weeks: Thank you. Clarify the setbacks on front of page; on this recordable one, are the setbacks there? Yes the setbacks are there. Okay. What are knockdowns? It says make the widths at the knockdowns consistent 21' back of curb to back of curb. What are knockdowns? Are those the indentations that come into the street?

Bob Kerr: Yes, I think knockout would be more appropriate, but if it was recorded as "knockdown".

Virginia Weeks: I was just wondering. So those would be knockouts?

Bob Kerr: And for the record, Robin has reported that the trash corral is shown at the area 307.

Virginia Weeks: And I suppose that the final drawings will be given to the Police Department and Fire Department and 911 center; but sidewalks and curbs along Atlantic Street, I presume, they're there. Right?

Bob Kerr: They are there. That is one of the items, though; the height of the curb is DelDOT's standard vs. the Town standard; that is still needs to be resolved.

Virginia Weeks: Okay and the alley along the Reed property will be connected, but access will not be permitted into the Cannery Village; a barrier will be placed to prevent access.

Bob Kerr: Yes, I thought there was a note on the record plan; but right now it doesn't jump out at me.

Virginia Weeks: There are two Reed properties there, so I wasn't sure which one. I see a 20' alley on both sides of them.

Bob Kerr: The intent was along Butler Avenue, which is...

Virginia Weeks: I see that.

Bob Kerr: It's essentially from lot 332 through 324 that that alley would not be accessible from the parcels to the north. It's only for the use of Cannery Village.

Virginia Weeks: The alley going from Butler Alley to I presume Cave Neck Road, is what you're talking about?

Bob Kerr: No ma'am.

Virginia Weeks: So in other words, the Butler Alley can't be used as a driveway to the Reed property.

Mike Kobin: These two properties can't use this as access; there are houses that now have access to...

Al Perkins: All right, okay. That's the Reed property you're looking at.

Lynn Ekelund: Yes, I see that.

Virginia Weeks: Yeah, should this have an annotation saying there's a barrier there of some sort?

Bob Kerr: It would not hurt to have a note on the record plan and if you were to make that part of the motion; it could be corrected prior to going to Mayor and Council.

Virginia Weeks: I don't know how we're doing this. Is the Secretary going to keep track of these things as they come up?

Lynn Ekelund: I'm trying to.

Virginia Weeks: Thank you. And I'm sure the sewer capacity and so on has been taken care of. Now, Bob, the other thing that I'm concerned about and truly concerned about, is on this plot it shows that the alleys are a 25' right of way; but it does not say how wide the paving of that alley will be.

Bob Kerr: The construction drawings show the paving width to be 15', as approved at the preliminary site plan.

Virginia Weeks: Now that six years have gone by and the other phases of Cannery Village have been built; we're finding that the 15' width is, at best, problematic. Several people there have come before Council to complain that and also about the width of the streets. There was a gentleman, I don't know who it was, I think he was at the July Council Meeting, discussing a leak at the gas farm and that the fire trucks had a hard time getting there and that it was difficult for them. At the same time, I know people in Cannery Village who have told me consistently that going in, is it Summer Walk, the one by the main big thing; the one closest to Route 5, the entry; the trucks start in there and they end up backing up because they can't make the turn. This preliminary site plan is six years old. The streets in Cannery Village are a problem. Can we not revisit that; do we have to go down the same blind alley?

Bob Kerr: This is probably a question for Seth. Typically, once the preliminary site plan approval is given and at that time, there were street widths identified; they were also identified at the... I believe for this one, they were identified for the LPD, that the alleys would be 25' wide; the paving 15'; the 50' wide right of way streets would have a paving of whatever it is; and now that preliminary approval has been given, my legal opinion, which isn't worth much, is to hand it to Seth.

Virginia Weeks: I'm just wondering if it is a matter of public safety and at that point, what should we do?

Seth Thompson: Well, I think, unfortunately, it's very difficult to change the rules on somebody once you've already approved them. So, to that extent, I think you're going to have a very difficult legal...; an uphill battle in trying to make the case that enough time has gone by that new rules should apply to somebody, when it has the Town stamp of approval already on the preliminaries.

Virginia Weeks: Even if it has become an apparent public safety problem?

Seth Thompson: I certainly understand that there have been issues with it; I guess to the extent that I just am reluctant to say there's been an actual determination as to that being a public safety issue. Certainly you've had comments from town members. Keep in mind that the Fire Marshall still needs to approve. The Fire Marshall has approved at this point. So to that extent, the very person that you're complaining, is probably going to have an issue with this; also has approved it.

Virginia Weeks: Yeah, it was approved in 2007 before anybody had really moved in and they discovered the problem.

Seth Thompson: I'm sorry, I just think...



Virginia Weeks: No, I understand, I just wanted...

Seth Thompson: I don't want to sugarcoat it.

Virginia Weeks: I need to clarify it, for my own sake, because I personally am not happy with the idea. I would imagine the public safety should come before... That's the Town's responsibility.

Seth Thompson: And that's why the law evolves; we recognize issues and then we change the rules to better safeguard those types of concerns.

Virginia Weeks: Okay, the other thing I wanted to know is there is some information on this plan of record, so to speak; that's required on the preliminary plan on the front page, that isn't here. For example, we don't know how many types of each kind of house are being built; how many townhouses, how many detached single family dwellings, how many... Isn't that usually part of that?

Bob Kerr: That is on the construction drawings.

Virginia Weeks: It's not required to be on the recorded plan?

Bob Kerr: It's not required to be on this, because you can look at... The way you would do it is to look at the lot size and the lot size would determine what dwelling is permitted.

Virginia Weeks: Okay. The other question I have is that the stormwater drain isn't shown on this; it's shown in the area. Is the drawing of that in another piece of paper?

Bob Kerr: The stormwater system was constructed as part of Phase 1 and expanded a little bit in Phase 2; the ponds are there and existing. All they're doing is tying into the stormwater basin that has existed for some time. It was designed with that intent and Sussex Conservation District has signed off on the approval of this phase.

Virginia Weeks: Is that the same one that the brewery uses?

Bob Kerr: The one that was just constructed by the brewery? Because there's a large one on the southeast side of Round Pole Branch and almost all of the project uses that large one. There's also one in Phase 2B, that is partially used by Phase 2A and B.

Virginia Weeks: If you know where 2A and 2B are, you're a better man than I Gunga Din.

Bob Kerr: If the entrance closest to Route 5, when you come in that entrance to the right is Phase 2A. Most of the remaining portion that's constructed is Phase 2B, except for the first part, which are the four plexes right along the street.

Virginia Weeks: Yup, no, I just wanted to know. This is certainly not the one that was just constructed by the brewery for its waste.

Bob Kerr: No, that is for their use and their use only.

Virginia Weeks: The brewery's stormwater where does that go?

Bob Kerr: Some of it does go into the same system. There's a drainage system that starts on the northwesterly side of the brewery, along Village Center Boulevard; it goes under their parking lot, under Round Pole Branch and into this stormwater pond that we're discussing.

Virginia Weeks: In Phase 3A.

Bob Kerr: The actual location of the pond is within Phase 3A.

Virginia Weeks: Okay, thank you.

Bob Kerr: It's along Briarwood Road, if that helps.

Virginia Weeks: Yup, no, I know it's along Briarwood Road. Let me see. I have this little itty bitty question that maybe somebody can answer. I noticed that Joe Reed has a For Sale sign with ReMax for Phase 4 up on Cave Neck and its advertising 138 lots. That would mean that 70 lots from the other phases have been moved over there. Where are those 70 lots coming from? Is there someplace they're coming from, other than 3A?

Bob Kerr: He can advertise, I guess, any number of lots. This evening you're asked to approve Phase 3A. If they want to put 138 lots there, I think they would have to come back to you with either 3A, 2C or something like that, which they talked about doing back when there was a Phase 4 sale. The night it was on your agenda, the sale fell through and we got a call from Mike about 3:00 in the afternoon, asking that it be removed from the agenda. At that time, they were going to take some of the lots out of this where it was going to be a duplex; they were going to take the lot out and make it a single family, on what essentially was two lots before; and there were going to be some changes in the number of units in Phase 2C. They still have the opportunity to do that, if something happens in Phase 4; but they would have to come back now and go through the re-recording of Phase 3A or 2C or tear down the four-plexes or whatever. There are a limited number of lots, 538, that are allowed to be built on this entire Cannery Village. 538 is the correct number. That number can't be changed.

Virginia Weeks: I just didn't want to get into a problem later, because it says there are 138 approved lots on the sign; so I was just wondering how that was happening.

Bob Kerr: You have not approved it; Mayor and Council have not approved it; so there are no approved lots there.

Virginia Weeks: Thank you.

Al Perkins: Ginny, can I ask a question?

Virginia Weeks: Ask the Chairman.

Al Perkins: I want to make a request of Robin and I'll add around the minutes. We mentioned that the construction drawings have the detail around the mix of homes, duplexes vs. single families that are going to be built in 3A. Is it possible, that when we do our report to the Council, of this meeting, in our minutes, could we list that detail in the mix of the homes? Would that be too much trouble; adding that to whatever you report; because it's not on these drawings?

Bob Kerr: As part of your approval, I'm sorry, your recommendation to Mayor and Council, you are recommending acceptance of the record plan and the construction drawings; so all of that information becomes the entire package, along with the outside agency approvals by the Fire Marshall, DelDOT, Soil Conservation, etc.

Al Perkins: I understand; my request was in any kind of summary communication that Planning and Zoning approve the site plan as is; is it possible to state that part of the as is, is that nothing has changed around the units mix and the unit mix is XYZ, in the communication.

Virginia Weeks: Seth, I have a question for you please. On the front page under the Notes, the building permit, it says "DelDOT assumes no responsibility for maintenance of sidewalks installed along SCR 88 or SCR 89. The sidewalks shall be the responsibility of the Town, the property owners within the subdivision, or both. The State assumes no responsibility for the future maintenance of the sidewalks." To whom will those sidewalks belong?

Seth Thompson: I believe your Ordinance calls for sidewalk maintenance to be the property owner's responsibility.

Virginia Weeks: I just wanted to get it on the record. Thank you.

Seth Thompson: Thank you.

Bob Kerr: If I may answer one of the other questions; there are 110 single family homes and 54 townhomes.

Al Perkins: Thanks, Bob, appreciate it.

Virginia Weeks: I have no more questions. Thank you.

Gene Steele: I have one question in reference to responsibility on these streets and the street lighting; of snow removal; and the cost of street lighting; until these streets are assumed by the Town, who is responsible for this, if I may ask that question?

Bob Kerr: The maintenance of streets, whether it be snow removal, street lights, or any other thing within the development until it is accepted by the Town, is the responsibility of the developer.

Gene Steele: Thank you.

Virginia Weeks: That thing you brought up will street lights be put in when homes are built and occupied? When will the lighting on the street occur?

Bob Kerr: There is nothing in your ordinance that says when the street lights are to be installed; they are to be installed... The subdivision cannot be accepted until they are installed; but there is nothing that says when they have to be installed.

Virginia Weeks: Thank you. And at...

Seth Thompson: That can be part of your recommendation. I think, typically, it is just governed by the practicalities of the construction business. I think that really is what controls; for instance, if they have certain equipment in there that they need to do the lighting and they're using it for other items, then perhaps that is when they put in the lighting; if they are afraid that part of the grading is going to be an issue, then they are going to hold off on putting the lighting in, if that is going to somehow pose a risk to the lighting. So typically, without anything to govern, it tends to just be up to the developers business practices.

Virginia Weeks: Okay and at this point, we should also probably think about whether or not we need to recommend to the Council that they make sure he puts a Bond on this section?

Seth Thompson: Well, your Ordinances call for a Bond, so it's just a question of whether people follow it through; but I believe your Ordinances call for one to be posted.

Virginia Weeks: Well maybe we should just remind the Council that that needs to be done.

Seth Thompson: Reminders are always good.

Al Perkins: I plan to make a motion at the end, that we put that in the minutes; that we recommend to the Council that they require a Bond for Phase 3A.

Virginia Weeks: Thank you.

Bob Kerr: If I may add to that, it has been the practice and I know that Bonds have not always been and it's a touchy subject; but in the past, there have been subdivisions where the developer could proceed without a Bond, but would not be allowed to be issued the first building permit, without being bonded. So if he chose to go in and build all of the infrastructure so that everything was done before he built the first house, then in the past a Bond would not be required; because everything is first done; and if something isn't done, you have to Bond that portion. That's the way it's done in many localities. Your Ordinance doesn't permit that, but in past practice it has been done that way.

Virginia Weeks: Am I mistaken in that in our Ordinance it says, if it is not permitted, it's prohibited? We have a permissive Ordinance.

Seth Thompson: I'll check on the specific language; you're referring to the bonding?

Virginia Weeks: Yes.

Al Perkins: Just a comment on... Are we finished with the issue on the bonding?

Virginia Weeks: I think...

Seth Thompson: I'll just wrap it up very quickly. I'm sorry. This is Section 188-37, Performance Guarantees Required: as a condition of approval of improvement plans, the Town Council shall require the subdivider to post a Performance Bond or other guarantee. So it's mandatory; there isn't any discretion there.

Virginia Weeks: There's no getting the infrastructure in first. Thank you.

Al Perkins: But again, since that didn't happen, for whatever reason, in Phase 2A, B and C, it feels like that we should maybe make a recommendation that we follow the Ordinance this time around, in 3A.

Seth Thompson: That might be superfluous, I suppose, just refer to it as a reminder. Again, it is not that it needs to be recommended; but I guess, just as a friendly reminder; I think that might be... Because otherwise I don't want to set up some sort of argument for somebody else to say, oh well, this wasn't in mine, therefore I don't need to post Bond; so a reminder vs. a recommendation. I recognize that that might be a little bit

of wordsmithing; but again I don't want somebody else to be able to construe later on this was not recommended for me, it was recommended for somebody else; therefore, I don't have to do it.

Al Perkins: On the subject of, just one more last comment, on the subject of the lighting, the historical look back on the lighting situation was that while 2A and 2B were under construction, the residents made a request that the lighting be installed for safety reasons, because the residents were concerned about safety issues; the dark and there are 40 or 50 homes built and in that particular case, the developer did respond fairly quickly and he put the lighting in; he did not resist. But we had to ask to have lighting; it didn't happen automatically.

Don Mazzeo: Any other questions or comments from the Board? My hearing none, can we have a motion for accepting and approving the final subdivision for Chestnut Properties, as previously identified? Anyone?

Al Perkins: I would like to make a motion that we approve the final site plan with some of the suggestions that have been made by some of the commission members; one of those being that... Ginny you had one of them.

Virginia Weeks: There was... We remind that a Bond is required in conformance with the subdivision ordinances; that street lights be mandated once houses are built; and I forget, there was something else and I forget what it was earlier on.

Lynn Ekelund: There was something about a separate plan and approval process is required for the propane storage area.

Al Perkins: Yes, the propane, that we...

Don Mazzeo: That section will **not** be incorporated in the approval.

Bob Kerr: In this approval. Separate approval is necessary.

Lynn Ekelund: Then there was something about the Note on the plan regarding the barrier for the Reed Street...

Virginia Weeks: Right, for the, what was the street that it was...

Lynn Ekelund: I lost that.

Virginia Weeks: Here I'll tell you in a moment, hang on. Along Butler Alley and the Reed properties.

Lynn Ekelund: Butler Alley.

Al Perkins: Okay, Lynn and Ginny. I'm going to start all over and make sure we've got the items listed for the minutes. I'm making a motion that we approve the final subdivision plan, with the additional items that follow and those items are: help!

Lynn Ekelund: A reminder to the Council that a Performance Bond be required; street lights be constructed, or street lights installed when houses are constructed; a notation on the plan that a barrier be constructed along Butler Alley and the Reed property.

Virginia Weeks: Lynn?

Lynn Ekelund: Yes.

Virginia Weeks: Would you consider correcting it from lighting required when houses are built, to as the homes are completed?

Lynn Ekelund: Absolutely.

Virginia Weeks: Thank you.

Al Perkins: On the propane, Lynn, there will not be a propane...

Lynn Ekelund: A separate plan and approval process is required for the propane storage area. Then there were DelDOT issues concerning construction on Atlantic Street and Front Street, including curbing and then you go to the CABA Associates' letter, it was curb height, location of handicapped ramps, location of crosswalks and I guess the differences between Town and DelDOT requirements have to be reconciled.

Don Mazzeo: Pending resolution with Council.

Lynn Ekelund: Oh, entrance sign, while location has been noted, we need a separate submission regarding the details of that sign.

Al Perkins: Can you think of anything else? Did we miss anything?

Lynn, are you feeling like you have a complete list?

Lynn Ekelund: Unless you wanted to put a separate notation as far as the unit mix, which is 110 single family homes and 54 townhomes.

Al Perkins: I would like to do that \_\_\_\_; just confirmation on that. I'm concluding my motion as with the additions that were read by Lynn Ekelund and the other Commission Members.

Don Mazzeo: We have a motion on the table.

Joanne Mattioni: Second it.

Don Mazzeo: We have a second. All in favor say aye.

Virginia Weeks: I think this should be a roll call vote, please.

Don Mazzeo: We'll take a roll call vote:

Lynn Ekelund	Yes
Joanne Mattioni	Yes
Al Perkins	Yes
Virginia Weeks	No and the reason for no is that I believe that there is a definite public safety problem with the streets and the alleys and I think that since this site plan, the preliminary was done six years ago, it behooves us and the Town, to revisit that. Thank you.
Gene Steele	Yes
Don Mazzeo	Yes

Don Mazzeo: The motion has passed.

b. Conceptual Plan Review

The applicant, R.M. Ingram, is requesting a conceptual plan review for a proposed motel complex to be constructed at 107 Milton Ellendale Highway. The property is zoned C1 (Commercial) and is further identified by Sussex County Tax Map and Parcel # 2-35-14.15-51.00.

Don Mazzeo: Our second item of business this evening is a conceptual plan review. Do we have a representative here from R.M. Ingram?

Byron Jefferson: I'm from Lincoln, Delaware and I'm the engineer for Mr. Ingram. Mr. Ingram is also here to answer the questions that I can't. This is the first time that I've been here, so I'm not familiar with how much information you would like from us, before giving us your input on what you would like to see different than the plans. There are a couple of items on there; one, we are showing three motel buildings with 18 units in each building; there won't be that many units; there will be probably 10 units in the center building, along with an office; and probably only 12 units in each of the left and right buildings for a total of 34 units, maximum; rather than what we showed on the plan. Another item is we're probably interested in phasing the project; that is not phasing any of the site, just not constructing all three buildings to begin with. We likely would like to build the center building and the westerly building first and just not build the most easterly building until a later time. We're not talking about any of the site being phased; the site would be done complete landscaping and everything for the total. There is a comment from the Town reviewer's about sidewalk and curbing along Route 16. We had hoped that the Town would not require the curbing. The sidewalk is done on the Food Lion property that is set in from the edge of pavement; I mean, something like that would work, but in my opinion, with the drainage as it is, putting curbing along the whole front of the site, with it right at the edge of paving, would be a stormwater problem for the people both east and west of the site. Right now, the water runs off the road onto the grass along side the road; and if we put curbing along there, and directed it east or west, I see it as a problem. So we hope to get a relaxation on that item. Another item on the site, I'm showing a 30' paving width on the entrance road coming into the site and we would like to reduce that to 25'. I don't have anything else to add. I'll await your questions or comments.

Lynn Ekelund: Do these units plan to have kitchenettes in them?

Virginia Weeks: Are you planning to put kitchenettes in these units?

Byron Jefferson: I'm sorry I didn't understand.

Virginia Weeks: Are you planning to put kitchen facilities in these units?

Byron Jefferson: A kitchen facility, an office and a lounge in the central unit; not a kitchen in each motel room. There would be one set of kitchen facilities in one of the units for common use of the people.

Virginia Weeks: Thank you, so anybody would be able to go down and cook a meal and so on?

Byron Jefferson: Yes. I have some preliminary drawings of the building itself if you want to see it. I have one set; I don't know if that's something you're interested in at this time.

Don Mazzeo: Yes, we would like to take a look at that as well; however, before we get too much further along, I would like to have Bob Kerr present his comments that were initiated to the Commission and for

review for everyone who is out here in our public this evening. I'm sure they're interested.

Bob Kerr: Thank you, CABE Associates. To start with, just a response to one of Mr. Jefferson's comments that he just made regarding curbs and sidewalks; because it is one that comes up on almost all site plans. The streets and sidewalks portion of the Code, Chapter 183, Section 20, Curbs, Gutters and Sidewalks: essentially, it is a requirement that curbs and sidewalks be provided, if there is new construction. It was added in 2003; some of those changes have affected the Food Lion. The motion there was made for sidewalks, not curbs and sidewalks; and we went through that as the preliminary was approved, with sidewalks; not curbs and sidewalks; and the attorney at the time said you can't add curb now; they had been given a site plan approval for a new section out in the front of the Food Lion Shopping Center and part of the approval for that was curbing around the property; so we're catching up. Curb and sidewalk has typically been provided for all construction along existing roads. Going back to the Memorandum that I provided for you, Debbie had completed her review first, so I didn't repeat those items and when I get finished, if you want, I can just hand the mic to Debbie; so these are in addition to hers; but I can go first. The existing water main along the front of the property is only 4"; there's a hydrant around the corner on Union Street and there's a hydrant near the intersection of Mulberry and Route 16; these hydrants are marginal because they're on 4" lines; whether there will be sufficient fire flow here; whether the structure needs to be sprinklered and those types of things; it may require an upgrade to the water main. We didn't get into those details at the conceptual plan, but we want to make the Applicant aware that fire defense may be a problem. Item 3 on my list is the integral curb and gutter that we just talked about; with a 5' sidewalk; it should be across the property and then Item 4 is a consideration that it connect into the onsite sidewalks. This property, as it is laid out, has an awful lot of impervious surface. It appears its stormwater management will be very tough to meet within the area shown. Obviously, no calculations have been done at this point. That would be the next step as part of the preliminary process; they would get into that a little bit more and if they give them preliminary approval, they would have to finalize that and get approval from the various agencies; but it just seems that there is an awful lot and it may be some opportunity that some of the impervious surface could be reduced. Reducing the width of the entrance, would help a little bit; moving some of the parking to different areas, may help; so that you eliminate some of the aisles associated with it. Item 7, I think has been answered; there are three motel buildings, they were called out with 16 guest rooms; but it didn't have any office or common areas; and we've heard that it would now be more than likely 34 units, with an office and common areas in the center building. Knowing that, may change the number of parking places that are required. I had concern with the number of parking spaces in the front of the property. It may be possible to locate



some of these behind the building; as one who travels a lot, I'd hate to be parked out there on the road, on the dark and stormy night, and have to go to the building in the far corner; it's a long hike when you have to do that. I prefer to see the parking a little bit closer to the units. And then the traffic flow should be reviewed; coming out of the parking lot, heading up and trying to make a turn onto the entrance road, is pretty hard without going back around the little island of 4 or 6 spaces there. It's tough to come up and turn between it and that turn without using all of the paving, so if there are two cars at that same point, at that same time; there's going to be conflicts. The same thing in the back, there's a lot of paving and some of it may be able to be reduced; certainly the Fire Marshall approval of fire lanes and that type of thing is one of the reasons for that, but there are ways that could be looked at to reduce that. I can answer any questions you may have, or I could pass it to Debbie; whichever you desire.

Don Mazzeo: Any questions of Bob right now?

Debbie Pfiel: Debbie Pfiel with URS, as the Town Planner. I want to commend the Applicant for actually coming in at a conceptual level. It's not a requirement, but it's a great recommendation, because before you get to a lot of engineering, you can have some input, which should save you in time, money and process. With that said, I just want to agree with Bob Kerr. I would like to see this where maybe you might even want to look at even flipping your buildings in the front and the parking in the rear. It's a lot of parking in the front, which usually happens on a lot of franchise type structures; but there's a way to flip the buildings in the front and the parking in the rear, I think you would have less impervious surface and I do think you're going to have some changes, once you actually have contact with Conservation District. But I'll start with my letter and if you don't mind, I'm going to just go to the bullet points, instead of read it verbatim. In the zoning, just to make the Planning Commission aware, it is surrounded by residential area and one commercial piece; so the setbacks have changed because of the residential and I have those noted on my letter. As far as parking, outdoor lighting, just want you to be aware that the Code, Chapter 220, Section 40.a.7, says that the parking lot lighting should be designed to shield adjacent properties from the glare. That's something that needs to be considered in the plan. For some reason, everybody loves to do the mongoose type lighting; that lights up the entire neighborhood for a football game or something; and I just want you to be aware that's in the Code, so the neighboring properties, when you do your lighting plan; we'll need to see some type of shield radius attached with that. The other one is the construction of parking area; Chapter 220, Section 40.f, there are some construction requirements to be aware of there. I think that has to do with curbing, bumpers. Based on what you've submitted, the parking requirements have been met; however, we need to see the total square feet of the common area, to verify the calculations. We have no interior plans at this time to be able to verify, so

we would need you to break down the parking, as required, in preliminary; but not required for concept. On the landscaping end, this is where we would look for direction for the Planning Commission. On page 2 of 3, item 3, in Chapter 220:52, Section b1, 2 and 3, the buffer and the landscape techniques, the way the Code reads, is a particular type of buffer and landscaping treatment shall be as determined by the Planning and Zoning Commission, to meet the intent. The Code provides three types of treatments for consideration. In my view, as we've done in the past, you have the option to have them come in with the buffering landscaping plan at preliminary; to see if that meets with your intent; or you have the idea to be able to give them options of the kinds of plantings, at this stage. It's really early and when we tell an applicant the type of plantings, sometimes we take away their creativity. So I would recommend that you have them come up with a buffering plan at preliminary, so you would be able to determine if that's the right type of plantings. I wanted to bring that to your attention, that that is a decision to be able to be made at preliminary. The structure, unfortunately, we in previous practice, we don't allow submittals the night of the meeting. I have no comments for the elevations, which I would have had; however, the elevations were not submitted to the professional staff in advance; so I have no comment. If they would like for us to comment after the meeting and submit to Robin, I would be more than happy to comment on the elevations; but at this time, I did put some design features, I think, that they need to really take into consideration a lot of the architectural, historic features that Milton has, when they bring the building in for a hotel, or a motel, I take that back. On signage, once again, signage hasn't been provided and it's not required; but one thing the applicant might consider, is a nice ground or monument sign. Sometimes when we get on Route 16, we think it's a Route 1, 113 or 13 and the bigger, the better, the brighter; but if the applicant is actually looking at some type of ground or monument sign, with seasonal landscaping and upward lighting, it's not required it's just a recommendation. Once again we talked about drainage. I do feel that the site will change once they go to Conservation District. Under Miscellaneous, the trash dumpster location and service areas; you probably want to put those on your plan. You have a unique entrance into the site, so I would consider where you're going to place your trash dumpsters and the appropriate code requirements you have for that. Another thing is if there is any outdoor recreation at all; I know some people stay at motels; they have pools, amenities, a little bit of a park or playground area; is there any kind of recreation, either passive or active? I'm not saying you have to put in a... It's not required to have active, but you might want to put in some park benches or a gazebo or something where your patrons can actually do a little bit of outdoor activity, as well. The only other questions I have, and these are just what we'll get through down the road, is occupants can be long term tenants. The reason I ask this is we are running into a lot of our municipalities that we serve, putting

in motel type structures, with kitchenettes and they end up being very long term tenants; like multi-family classification technically; so that's why we ask those questions, to see if this is going to be... You have the right; you know we don't have anything in our Code, but at the same time, if this is going to be a multi-family long term kitchenette lease, it could change the review type that we want with recreation, as well. I have the same comment Bob did, which was connecting interior sidewalks with the street sidewalk. That's all my comments at this time. Any questions?

Don Mazzeo: I have a few comments. I am very unhappy when I see parking in the front; period; paragraph. I don't like parking lots in generality; but because of the nature of this particular application, you must have a certain number of parking spaces, which will be recalculated, as it already has been spoken to by several of our folks here. The spacing between the buildings seemed very, very small. 7-1/2' is less than what is between you and me at this table; and that, I think, is almost absurd. Again, these are my opinions, folks. Impervious area is 100%, just about; except for what is deemed in an area called stormwater; which you have yet to recalculate. This is, in my opinion, an awful lot of impervious area. I recognize the fact that you must have parking; and you must have walkways and such, and a driveway; but there has to be some things that you can include with the grassy area; something like Debbie just mentioned, a sitting area, or something for the folks who may be here for more than one or two nights, to get outside. I just have a bad feeling when I see three relatively large buildings; they're 60X50', give or take, 60X45'; and they're just clustered so closely together.

Al Perkins: It looks like they are separated by the width of the sidewalk there? Is that what it is? I mean, on the working drawing.

Don Mazzeo: Somewhat less, in some cases. I did not see the elevation; and as presented, right here and now, it would appear that this has a classical frontage that is showing something that looks like it would fit very well in the neighborhood. It does have a character that I feel would be representative of a Milton area. But, again, this is just the first pass on this, I'm sure. The question has been asked about the potential long term residency; I think are still very appropriate. Is the intent of these units; and I'm not sure if I'm speaking to the right party here; maybe we should have a principle coming forward; but if the purpose of these units are for long term residency; it would lend itself to something different, I think, then if we are looking at what would be a one night, two night, three night stay.

Byron Jefferson: I've discussed it with the owner, he can state it himself; but we've discussed it, after seeing the comments and it is the intent for it to function like a bed and breakfast; like a motel; not as a duplex; not as a long term residency.

Al Perkins: I have a question, just for clarification; I'm having trouble visualizing; what's on the other side of the chain link fence?

Byron Jefferson: A church, I don't remember the name of the church.

Don Mazzeo: Church property is right along side.

Byron Jefferson: And the cemetery in the back and a small church in the front.

Virginia Weeks: I really hate chain link fences. I really hate chain link fences; so if you could buffer that. Also I think that with the residents around, they are small private homes that are going to be adjacent on at least two sides of this property. We need to have thick landscaping to buffer it and some sort of a fence for their security. The other thing I wanted to know is these are two story buildings, correct?

Byron Jefferson: That's correct.

Virginia Weeks: Will they be required to have an elevator in each building due to ADA?

Byron Jefferson: We're not intending to propose that. We have one ADA compliant room in each building; with ADA compliant bathroom in the building.

Virginia Weeks: You have a handicapped room? But I'm not sure of whether or not you need to have an elevator to a second story, so please check that.

Byron Jefferson: You're referring to Town Code or...

Virginia Weeks: No, the American Disabilities Act, because I remember that on the corner of Union and 16, when they came into redo where H&R Block is, they wanted to put an office building; he specifically said he was making it one story, because if he made it two stories, an elevator was being required by ADA, so that's why I asked the question.

Bob Kerr: ADA is a Federal Requirement; it must be met. I believe the property that you were speaking to at 16 and Union Street; if there was a second story office, then those offices would have to be accessible for someone under ADA. In a hotel, my understanding is that if you provide access to the first floor, and have rooms available, there is nothing in ADA that requires that all rooms be accessible. It's that you must provide rooms that are ADA accessible.

Virginia Weeks: I don't know; I was just asking.

Bob Kerr: I don't claim to be the expert on that, but that's...

Virginia Weeks: The other thing that I'm concerned about is that the stairs seem to be on straight traunch up to the second floor, without a landing in between and I'm concerned about people carting babies and suitcases and not having anyplace to rest, if they need it. I would rather see stairs and a landing and then some more stairs. I don't know if any of you remember having kids when you were younger, or 5,000 suitcases; the landings were wonderful. I guess those were my questions. Thank you. I have a question for our Town Attorney. I find it disconcerting that in the definition of a motel, the term motel includes, but is not limited to every type of similar establishment known, variously as auto ports, roadside hotels, etc. and so on. Yet in the definition of a hotel, dining facilities are prohibited. How does that meld in the definition of a motel, since it says... I don't know what to do about that.

Seth Thompson: Truth be told, that can be an issue that might need some adjusting going forward; that, in essence, it could simply have been a typo; it could have been that your Code was piecemealed from other Codes and maybe they used the definition of motel from one that they liked; and the definition of hotel from one that they liked. It certainly presents a problem, in terms of... And I'm not saying that anybody can legislate for every single scenario; but when issues like that, when definitions are supposed to work together, so that items are defined as one and not the other, and issues like that do need to be resolved, because they create a conflict.

Virginia Weeks: Right and the gentleman said it was going to act like a bed and breakfast; if they wanted to supply like a continental breakfast of donuts and croissants and coffee, that's fine; to have cooking facilities for entire families, that's a whole other... I don't know any hotel or motel that gives you cooking facilities for your family. That's sort of makes it a whole different ball of wax for me. I'm not happy about that.

Seth Thompson: Just so we're clear, the applicant needs to define what they're applying for; at the same time, the definition of that particular item is going to be important in terms of determining what they can use it for.

Byron Jefferson: He intended to apply for a bed and breakfast; in fact, the definition that best fit what we were applying for was a motel; a motel, rather than a bed and breakfast; because there were some items in a bed and breakfast that didn't fit; like the multiple units and there wasn't an owner living in each unit. And then between a hotel and a motel, the motel definition seemed to fit the best of the different choices. If you tell us that we should modify the kitchen in some way; take something out or add something; we're opened to those recommendations or mandates, or however you want to put it.

Virginia Weeks: I really just don't like the idea that I could go there with my family; go down and take an elevator and cook a chicken and do all that stuff. That's...

Marvin Ingram: I live in Lewes, DE at Mill Pond Acres. It wasn't the purpose of anybody going down and cooking in the kitchen. The person that is the manager, or the cook; we would have a cook that would cook just like a breakfast, like creamed beef on toast or something like that. It would only be a breakfast thing. Nobody would be allowed in the kitchen, only people that live there.

Virginia Weeks: So you wouldn't be serving lunch or dinner?

Marvin Ingram: No.

Virginia Weeks: Only breakfast.

Marvin Ingram: Only breakfast.

Virginia Weeks: And the management or its employees would be doing all the cooking.

Marvin Ingram: That's exactly right, you're right.

Virginia Weeks: Thank you.

Don Mazzeo: In affect, you are going to have a dining room.

Marvin Ingram: A place to sit and eat, yes.

Virginia Weeks: Not cooking facilities.

Don Mazzeo: Cooked to order dining room. So it's not really a kitchen facility.

Marvin Ingram: No.

Virginia Weeks: Thank you Mr. Ingram.

Lynn Ekelund: I have a couple of questions. Is the motel or bed and breakfast, or whatever we want to call it; do you plan for that to be opened year round?

Byron Jefferson: Yes.

Lynn Ekelund: And any particular hours; 24/7.

Byron Jefferson: 24/7.

Marvin Ingram: That would be year round, 24/7.

Lynn Ekelund: I guess now it's going to be the center building; the center building is not going to have 16 units; it's going to have 10.

Marvin Ingram: No, the center building will probably only have 10 units. Then there would be a kitchen and a dining area or a lounge area and the other two buildings; that's kind of in a phase, we're probably only going to do 2 buildings, but we want to be approved for 3. The others would just have lounge areas and the bedrooms.

Lynn Ekelund: Okay and the kitchen will only be opened...

Marvin Ingram: Like a couple of hours in the morning.

Lynn Ekelund: Like a couple of hours in the morning and that's it.

Marvin Ingram: That's it.

Lynn Ekelund: They're not going to be able to go in and have coffee and donuts or... It basically is like a motel and breakfast; or whatever you want to call it.

Marvin Ingram: Whatever you want to call it.

Lynn Ekelund: And, how do you anticipate it being staffed, 24/7.

Marvin Ingram: There would be somebody that would stay there, live there.

Lynn Ekelund: Oh, someone will live in the building that's the common building.

Marvin Ingram: Well, if they didn't live there, then the times that they work, one would come in and take somebody else's place or something like that. You might have somebody that is on duty from 8 to 8 in the morning, or something like that; then somebody would come in at 8 in the morning and take their place and there would be someone there, all the time.

Lynn Ekelund: Okay and so it will be a common building with 10 units. How large are these units?

Marvin Ingram: Different sizes.

Lynn Ekelund: Different sizes?

Marvin Ingram: Different size rooms. Some might be 14X16'; some 12X12'; different sizes, you know, however they work out.

Lynn Ekelund: So right now, you don't know, you're just...

Marvin Ingram: I'm just guessing.

Lynn Ekelund: Okay, that's fine. I don't know how to put this delicately, but we've talked about whether it's going to be extended stay or transient; are you planning on renting the rooms by the day, or by the hour? Ha, ha.

Marvin Ingram: By the day.

Lynn Ekelund: I'm sorry. Ha, ha, ha.

Marvin Ingram: I don't know how to answer that.

Lynn Ekelund: I wanted to know. Ha, ha, ha. A good Lewes boy, I know.

Marvin Ingram: With me, it would be by the hour; I couldn't stand the day. It would be by the day.

Lynn Ekelund: All right. I had to ask. We've talked about the elevators.

Marvin Ingram: Of course, you can't require that they've got to stay all day, I don't get.

Lynn Ekelund: That's it. What about pets?

Marvin Ingram: Well, that's something that we've been thinking about. I don't know about that. That's something we're taking into consideration.

Lynn Ekelund: So perhaps pets, you might have a pet area that might be grassy.

Marvin Ingram: I think we would almost have to. I'm a pet owner and my pets are like part of the family and when we go, we look for a place to drag the dog around, you know.

Lynn Ekelund: So am I. Okay. So we would have different sizes. I looked at these buildings and I'm just remembering when I've stayed at motels and I'm trying to think of the residential properties. I know we've talked about buffering; but I'm thinking about the trash, the ice machines, and the Coke machines; do we have a feel for where they might be?

Marvin Ingram: We haven't got to that point yet, really.

Lynn Ekelund: Okay.

Marvin Ingram: And trash-wise, I can see that there is very little trash. I don't know where the trash would come from. There would be some trash, but not a great deal.

Lynn Ekelund: I think it was yesterday, I walked down the property and I walked down the driveway; and the cemetery is over to my right; with the graveyard and then there are three homes. Are those homes on the property that we're talking about?

Marvin Ingram: Yes they are.

Lynn Ekelund: What's your plan for those homes?

Marvin Ingram: Tear them down.

Lynn Ekelund: They're going to be torn down.

Marvin Ingram: Yes.

Lynn Ekelund: Do you own those homes? Are you renting them now?

Marvin Ingram: Yes.

Lynn Ekelund: Are they occupied?

Marvin Ingram: Yes, oh yeah.

Lynn Ekelund: So those three homes would be demolished?

Marvin Ingram: Yes.

Lynn Ekelund: Have we thought about security cameras?

Marvin Ingram: We haven't taken that into consideration, yet, no.

Lynn Ekelund: Okay. I'm in favor of the monument style of a sign, rather than the vacancy, vacancy, vacancy type of thing.

Marvin Ingram: Well, we want to make it as attractive as we possibly can for our own benefit, you know.

Lynn Ekelund: No and I agree with Don that the drawing does have a Milton feel to it. That's all I have.

Al Perkins: I don't have a question; I just have a comment. I just wanted to echo my support of something that Debbie said in her report, and I think Ginny was joking about the fence. I know she's serious, because she's talked about chain link fences before; but I want to urge Commission members that I would recommend that we encourage the owner, the developer, to be creative with the landscaping, with the buffering.

Marvin Ingram: We're going to do everything in landscaping that we can possibly do to drag somebody into that property and rent a room.

Al Perkins: That's good, that's encouraging. In keeping with the Milton historic thing, and that's been mentioned a couple of times; I think that's going to be real important.

Don Mazzeo: Are there any other questions from the Board?

Virginia Weeks: Just one. One of the things I'm concerned about with the traffic flow in and out; I'm particularly concerned as Bob brought up, is where your trash is going to be; because you're going to have to have a private trash thing. I don't think you can just hook onto what the Town contracts are. You have to contract your own trash removal; being a commercial use.

Marvin Ingram: What that would be up to our engineer, here, to create a spot for that.

Virginia Weeks: Yes, so you're going to have to make room for a truck to get in there.

Marvin Ingram: You've got to have room to get in and get out, yes.

Virginia Weeks: That's it. Thank you.

Seth Thompson: Obviously, the comment was that the concept plan submission is simply optional; and your Code calls it a conference; so the Commission doesn't need to take any sort of action. I think there was some good give and take there; but just so you're aware, there doesn't need to be any recommendation or formal approval at this point. Thank you.

Don Mazzeo: Unless there are any other questions.

Bob Kerr: One last question; we have kind of stumbled across what we're calling this, whether it's a motel, a bed and breakfast, a hotel; there are some specific definitions in the Code. Do you foresee individual room access or do you go in through a common area and then to rooms?

Byron Jefferson: One door, other than fire exits; one entrance door and then corridors and rooms off of that corridor.

Bob Kerr: Okay and then an interior set of steps to go to the second floor?



Byron Jefferson: Correct.

Bob Kerr: Okay, thank you.

Don Mazzeo: I think the Commission has at least given you some ideas to work with. I hope that you would be able to take this as a very, very informal discussion that we've had tonight; go back to the drawing board and bring it back when you're ready and resubmit accordingly. Thank you for your time.

Marvin Ingram: Thank you.

8. Adjournment

Don Mazzeo: I will accept a motion to adjourn.

Virginia Weeks: I move that we adjourn.

Lynn Ekelund: Second.

Don Mazzeo: We have a motion and a second to adjourn. All in favor. Aye. Opposed. The meeting is adjourned at 8:28 p.m.